

# WETLANDS COUNCIL

## MINUTES

November 13, 2018

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The Wetlands Council met on Tuesday, November 13, 2018 in Rooms 112, 113, 114  
at the Department of Environmental Services, 29 Hazen Drive, Concord, NH

**Attendees:** Chairman Chip Kimball, Councilors: Lee Carbonneau, Jim Gove, Carol Henderson, Michael Klass, Deborah Lievens, Richard Mellor, Russ St. Pierre, Seth Prescott, Bob Wolff, and Gretchen Young

**Absentee:** Councilor Wendy Weisiger

Also present was: Carolyn Guerdet, Council Clerk

The regular Wetlands Council meeting was called to order by Chairman Kimball 9:02 a.m. with introductions and a quorum present.

1. **Approval of Minutes**

- ***Councilor Lievens made a motion to approve the October 9, 2018 meeting minutes with the addition of noting the lunch break during the hearing, second by Councilor Gove. Motion passed unanimously.***

2. **Public Input:** None

3. **Status of Appeals**

Atty. Demas reviewed the following:

### **I. New Appeals**

**Docket No. 18-11 WtC – Stephen Silk Family Trust Appeal**

Subject 07/10/18 Denial of Wetlands Permit, File #2018-01276

Hearing Officer: Not Assigned

Status: August 6, 2018 received Petition for Appeal. 8/8/18 issued Insufficient Appeal letter. 8/22/18 received Revised Petition for Appeal. 8/24/18 issued Receipt of Revised Appeal letter. Appeal is still insufficient. Council denied Appeal at September 11, 2018 meeting. 9/12/18 issued ruling dismissing Acceptance of Appeal. October 4, 2018 received Request for Reconsideration. Council to act on Request for Reconsideration at November meeting.

- ***Councilor Gove made a motion to accept the Request for Reconsideration, second by Councilor Mellor. Discussion was held. Motion passed with 8 ayes to 3 nays.***

### **II. Decisions that need to be written/finalized and issued.**

**Docket No. 17-16 WtC – Bryan and Linda Corr Appeal**

Subject: 11/03/17 Administrative Order No. 17-028 WD

Hearing Officer: January 18, 2018 David Conley was appointed by AG

Status: November 30, 2017 received Petition for Appeal and Appearance of John Cronin. December 4, 2017 issued receipt of Appeal letter. 12/29/17 received the Appearance of Joshua Harrison for the Department. Council to accept or deny Appeal at their January 9<sup>th</sup> meeting. January 10, 2018 issued Appeal accepted letter. 1/25/18 issued Notice of Pre-hearing Conference scheduled for February 14, 2018 at 11 a.m. 2/14/18 issued Pre-hearing Order scheduling hearing for April 10, 2018 at 9 a.m. 2/22/18 received State's Motion to Dismiss. March 14, 2018 received Petitioner's Objection to Motion to Dismiss. 3/22/18 issued Notice of Rescheduled Hearing moving hearing to May 8<sup>th</sup> at 9 a.m. 3/28/18 received Assented-To Motion to Continue Deadlines. April

2, 2018 issued letter granting Assented-To Motion to Continue Deadlines. 4/11/18 issued Order granting in part and denying in part State's Motion to Dismiss. 4/30/18 received State's Witness and Exhibit List. May 2, 2018 received Appellants' Witness and Exhibit List. 5/8/18 Hearing was held and Deliberations are scheduled for today, June 12, 2018. 5/25/18 received State's Proposed Findings of Fact and Conclusions of Law. 5/29/18 received Appellant's Requests for Finding and Rulings. Deliberations were held June 12, 2018. August 6, 2018 issued Decision and Order granting Petition for Appeal. September 4, 2018 received State's Motion for Reconsideration. 9/10/18 received Objection to State's Motion for Reconsideration. October 9, 2018 Council deliberated on State's Motion for Reconsideration. 10/23/18 issued Ruling Denying Motion for Reconsideration.

**Docket No. 17-13 WtC – Kelly Connolly, et al Appeal**

Subject: 08/28/17 approval of permit #2017-01434 issued to Mark and Teresa Richey

Hearing Officer: February 26, 2018 David Conley was appointed by AG

Status: September 28, 2017 received Notice of Appeal. 9/29/17 issued receipt of Appeal letter. October 5, 2017 received Appearance of Russell Hilliard for the permittees. 10/17/17 received Motion for summary Dismissal. 10.27.17 received Reply and Objection to Motion for Summary Dismissal and Provisional Motion to Extend Time for Appeal. 10/31/17 Reply to Objection for Summary Dismissal and Objection to Provisional Motion to Extend Time for Appeal.. November 6, 2017 received Replication regarding Motion for Summary Dismissal and Provisional Motion to Extend Time for Appeal. 11/15/17 received Further Response to Appellants' Replication. Please note the Appeal appears to be untimely and in correctly addressed therefore, the Council may have to determine whether the Appeal was or was not timely filed. Discussion was January 9, 2018 Council declined to accept Appeal as untimely. 1/12/18 issued Ruling on Acceptance of Appeal and Motion to Summarily Dismiss. 1/18/18 received Appellants' Motion for Rehearing and reconsideration. 1/22/18 received Objection to Appellants' Motion for Rehearing and Reconsideration. February 13, 2018 Council granted Motion for Rehearing and Reconsideration. 2/16/18 issued Ruling on Motion for Rehearing and Reconsideration. March 7, 2018 issued Notice of Pre-hearing Conference scheduled for April 2, 2018 at 9 a.m. 3/13/18 received Permittees Motion for Rehearing and Reconsideration. 3/20/18 received Appellants' Objection to Motion for Rehearing and Reconsideration. 3/26/18 received Appellants' Witness and Exhibit Lists. 3/30/18 issued Ruling Denying Permittees' Motion for Rehearing and Reconsideration. April 2, 2018 issued Pre-hearing Order scheduling hearing for August 14, 2018 at 9 a.m. 4/6/18 received Permittees' Witness and Exhibit Lists. 4/30/18 received Appearance of Atty. Brooks. July 16, 2018 received Motion to Exclude Irrelevant and Immaterial Evidence. 7/24/2018 received Appellants' Objection to Motion to Exclude Irrelevant and Immaterial Evidence. August 6, 2018 issued letter granting Objection to Exclude Certain Evidence. 8/14/18 Hearing was held. 8/21/18 received Assented to Stipulation Regarding the Record. Deliberations are scheduled for today, 8/28/18 at 10:30 a.m. September 28, 2018 circulated draft Decision for review. October 3, 2018 issued Decision and Order on Petition for Appeal. Docket now closed.

**Docket No. 18-05 WtC – David and Beth Boucher, Trustees Appeal**

Subject: 2/15/18 Administrative Order No. 18-004 WD

Hearing Officer: May 14, 2018 David Conley was appointed by AG.

Status: February 26, 2018 received Petition for Appeal and issued Insufficient Appeal letter. March 22, 2018 received Revised Petition for Appeal. 3/26/18 issued receipt of revised Appeal letter. Council accepted Appeal May 8, 2018. 5/11/18 issued Appeal accepted letter. 5/22/18 issued notice of Pre-hearing Conference scheduled for June 13, 2018 at 1 p.m. 5/22/18 received Appearance of Joshua Harrison for the department. 5/31/18 received insufficiently filed Motion to Extend Pre-hearing Conference. 6/4/18 issued letter denying Motion to Extend PHC. June 13, 2018 issued Pre-hearing Order scheduling hearing for October 9, 2018 at 9 a.m. September 7, 2018 received Appellant's Witness and Exhibit List. 9/10/18 received State's Motion to Strike Exhibit and State's Witness and Exhibit List. September 14, 2018 issued Notice of Change in Hearing Start Time from 9 a.m. to 10 a.m. September 17, 2018 received Appellant's Modified Exhibit List. Hearing was held October 9, 2018. Order to be issued by Hearing Officer.

**III. Hearings or PHCs Pending**

**Docket No. 17-10 WtC – Patricia A. Rose Appeal**

Subject: 06/15/17 approval of Wetlands Permit #2015-03134 issued to Frank and Laurie Leichthammer

Hearing Officer: Not Assigned

Status: July 14, 2017 received Petition for Appeal. 7/17/17 sent Insufficient Appeal letter. August 16, 2017 received Revised Petition for Appeal. 8/17/17 issued Receipt of revised Appeal letter. 8/30/17 received

Appearance of Abigail Karoutas and Christopher Wyskiel for permittee and Motion for Summary Dismissal. October 6, 2017 received Response to Motion for Summary Dismissal. Council to accept or deny Appeal at their October 10, 2017 meeting. 10/10/17 Appeal accepted and denied the Motion for Summary Dismissal. 10/11/17 issue ruling accepting Appeal and Denying Motion for Summary Dismissal. 10/25/17 issued Notice of Pre-Hearing Conference scheduled for November 13, 2017 at 9 a.m. 11/7/17 received withdrawal of Abigail Karoutas and Christopher Wyskiel. 1/13/18 issued Pre-hearing Order scheduling Hearing for January 9, 2018 at 9 a.m. 11/20/17 issued Order on permittees' Motion for Summary Dismissal. December 1, 2017 received permittees' response on the Permittees' Response on the Permittee's Motion for Summary Dismissal and Request for Summary Judgment. 12/11/17 issued Order on Permittees' Response on Permittee's Motion for Summary Dismissal and Request for Summary Judgment. 12/13/17 received Permittee's Witness and Exhibit List. 12/18/17 received Appellant's Witness and Exhibit List. January 9, 2018 received Appearance from Mary Ann Tilton for the Department. Hearing was held on January 9, 2018 and continued until March 13, 2018 at 9 a.m. January 18, 2018 received Appellant's Witness and Exhibit List. Motion to Remand received on 1/23/18. 1/30/18 issued Ruling on Motion to Remand, which was granted. Appeal is stayed and continued hearing scheduled for March 13, 2018 is cancelled. February 8, 2018 received Motion for Reconsideration. February 20, 2018 received Response to Motion for Reconsideration. 2/21/18 issued letter denying Motion for Reconsideration. Appeal is stayed. Request for status update to be sent. August 14, 2018 received a copy of letter from Appellant to Collis Adams. 8/23/18 issued letter giving Appellant 30 days to file a revised appeal. Discussion was held. September 20, 2018 received Revised Petition for Appeal. October 3, 2018 received motion for Summary Dismissal. Chairman Kimball noted that a Hearing Officer has already been named so he will handle the motion. November 6, 2018 issued rule granting in part and denying in part Permittees' Motion for Summary Dismissal. 11/8/18 issued Notice of Pre-hearing Conference scheduled for December 7, 2018 at 9 a.m. 11/8/18 issued revised Rulings Denying Permittees' Motion for Summary Dismissal.

**Docket No. 18-03 WtC – New Castle Conservation Commission Appeal**

Subject: 1/16/18 approval of Wetlands Permit No. 2017-00487 issued to Marion Clough

Hearing Officer: May 14, 2018 David Conley was appointed by AG.

Status: February 15, 2018 received Notice of Appeal. 2/20/18 issued Insufficient Appeal letter. March 21, 2018 received revised Petition for Appeal. 3/22/18 issued receipt of revised Appeal letter. April 10, 2018 received Appearance of Jonathan Springer for the permittee and a Motion for Summary Dismissal. 4/13/18 received Appearance of Nathaniel Morse for the appellant. 4/16/18 received Appellant's Objection to Motion for Summary Dismissal. Council accepted Appeal May 8, 2018. 5/11/18 issued Ruling on Acceptance of Appeal and Motion to Summarily Dismiss. 5/22/18 issued notice of Pre-hearing Conference scheduled for June 13, 2018 at 3 p.m. June 13, 2018 issued Pre-hearing Order scheduling hearing for January 8, 2019 at 9 a.m. October 29, 2018 received Appellant's Motion for Summary Judgment. 11/2/18 received Partially-Assented to Motion for extension of Time to Respond. November 5, 2018 received Permittee's Motion for Summary Judgment and Motion to Extend Time for Filing Objection. 11/6/18 issued rulings Granting Applicant's Motion to extend Time for Filing Objection and Appellant's Partially-Assented to Motion for Extension of time to Respond to Applicant's Motion for Summary Judgment.

**IV. Inactive/Status Letter or Pending Settlement/Withdrawal**

**Docket No. 18-07 WtC – Kreisler Family II, LLC Appeal**

Subject: 3/7/18 Approval of Wetlands Permit #2017-03657 issued to David Brewster

Hearing Officer: September 10, 2018 David Conley was appointed by AG.

Status: April 4, 2018 received Preliminary Notice of Appeal and offer to enter into settlement discussions. May 16, 2018 received Petition for Appeal. 5/17/18 issued Insufficient Appeal letter. June 13, 2018 received Revised Petition for Appeal. 6/26/18 received Appearance of Stephen Nix for the Permittee. July 3, 2018 received Motion to Summarily Dismiss. 7/9/2018 received Appellant's Objection to Motion to Summarily Dismiss. Council accepted Appeal at August 14, 2018 meeting. 8/16/18 issued Ruling granting Acceptance of appeal and denying Motion to Summarily Dismiss. September 18, 2018 issued Notice of Pre-hearing Conference scheduled for October 22, 2018 at 9 a.m. October 3, 2018 received Motion to Consolidate. 10/15/18 received Motion to Require Information. 10/16/18 received Appellant's Motion for Summary Judgment. 10/19/18 received Appellant's Objection to Motion to Require Information and Cross-Motion to Exclude Evidence. 10/22/18 received Objection to Appellant's Motion for Summary Judgment. 10/22/18 issued Pre-hearing Order granting Motion to Consolidate Dockets No. 18-07 WtC and 18-08 WtC. 10/24/18 issued Decision and Order granting Appellant's Motion for Summary Judgment.

**Docket No. 18-08 WtC – Kreisler Family II, LLC Appeal**

Subject: 3/7/18 Approval of Wetlands Permit #2017-03659 issued to David Brewster

Hearing Officer: September 10, 2018 David Conley was appointed by AG.

Status: April 4, 2018 received Preliminary Notice of Appeal and offer to enter into settlement discussions. May 16, 2018 received Petition for Appeal. 5/17/18 issued Insufficient Appeal letter. June 13, 2018 received Revised Petition for Appeal. 6/26/18 received Appearance of Stephen Nix for the Permittee. July 3, 2018 received Motion to Summarily Dismiss. 7/9/2018 received Appellant's Objection to Motion to Summarily Dismiss. Council accepted Appeal at August 14, 2018 meeting. 8/16/18 issued Ruling granting Acceptance of appeal and denying Motion to Summarily Dismiss. September 18, 2018 issued Notice of Pre-hearing Conference scheduled for October 22, 2018 at 9:30 a.m. October 3, 2018 received Motion to Consolidate. 10/15/18 received Motion to Require Information. 10/16/18 received Appellant's Motion for Summary Judgment. 10/19/18 received Appellant's Objection to Motion to Require Information and Cross-Motion to Exclude Evidence. 10/22/18 received Objection to Appellant's Motion for Summary Judgment. 10/22/18 issued Pre-hearing Order granting Motion to Consolidate Dockets No. 18-07 WtC and 18-08 WtC. 10/24/18 issued Decision and Order granting Appellant's Motion for Summary Judgment.

**V. Misc.**

**4. New Business**

**a. ARM Fund**

Lori Sommer and Cheryl Bondi

Lori introduced Cheryl who has joined the mitigation program. Lori started with an overview of the Program. There are 9 service areas with approximately \$6 million dollars across the state to be distributed. 56 preproposals were received in April and comments were sent back. 35 applications were then received the end of August. The Site Selection Committee visited the sites with EPA and Army Corp in September and October. October 24<sup>th</sup> the recommendations were then decided upon with 26 given funds. Public access is now required. Good effort with land conservation projects, restoration projects, as well as aquatic resource connectivity projects. Criteria is GIS driven, with information on location, habitat, etc. It is an elaborate scoring system. Providing partial funding to a restoration program can pose a problem with them having to put off a year to raise funds.

Discussion was held individually on each funding request.

**Saco River Service Area (Available Funding \$41,600)**

1. World Fellowship Center on Whitton Pond and Chocorua River
  - ***Councilor Lievens made a motion to fully fund the Upper Saco Valley Land Trust \$41,600 for acquisition of three conservation easement parcels on the World Fellowship Center on Whitton Pond and Chocorua River located in Albany. The funds shall not be directed to the deed restricted parcels, second by Councilor Gove. Motion passed unanimously.***

**Pemigewasset-Winnepesaukee River Service Area (Available funding: \$94,000)**

1. Great Meadow Phase II
  - ***Councilor Lievens made a motion to fully fund the Tuftonboro Conservation Commission \$76,500 to protect by conservation easement approximately 140 acres of land which is part of the Great Meadow wetland, second by Councilor Carbonneau. Motion passed unanimously.***

**Pemigewasset-Winnepesaukee River & Salmon Falls-Piscataqua River Service Area (Available funding: \$94,000 (P-W) and \$1,270,500 (SF-P))**

1. Birch Ridge Community Forest Project
  - ***Councilor Lievens made a motion to fully fund the Southeast Land Trust \$17,500 from the Pemigewasset-Winnepesaukee River Service Area and \$332,500 from the Salmon Falls-Piscataqua River Service Area to permanently protect by easement and forest management plan 2,019 acres***

- ***of land in New Durham and conduct restoration in three locations to improve wetland and stream connectivity, second by Councilor Henderson. Motion passed unanimously.***

**Salmon Falls-Piscataqua River Service Area (Available funding: \$20,000 tidal, \$1,250,500 non-tidal):**

1. Governor's Run - Sanderson
  - ***Councilor Lievens made a motion to provide partial funds of \$100,000 to Southeast Land Trust to permanently protect by fee acquisition 18 acres of land on the Governor's Run-Sanderson parcel in Epping, second by Councilor Mellor. Motion passed unanimously, with Councilor Gove recused.***
2. Lamprey River Shoreline
  - ***Councilor Lievens made a motion to provide partial funds of \$50,000 to The Nature Conservancy to permanently protect by fee acquisition the 10.5 acre Lamprey River Shoreline Project in Durham, second by Councilor Carbonneau. Motion passed unanimously.***
3. Living Shoreline for Wagon Hill Farm
  - ***Councilor Lievens made a motion to provide partial funds of \$250,000 to the Town of Durham to provide living shoreline improvements on Wagon Hill Farm including restricting public access on the restored shoreline, second by Councilor Gove. Motion passed unanimously.***
4. Lubberland Creek Acquisition
  - ***Councilor Lievens made a motion to fully fund The Nature Conservancy \$100,000 to protect by fee acquisition the 30 acre Lubberland Creek Acquisition parcel in Durham, second by Councilor Mellor. Motion passed unanimously.***
5. Lubberland Creek Restoration Project
  - ***Councilor Lievens made a motion to fully fund Town of Newmarket \$200,000 for the Lubberland Creek stream passage improvement project with the final design to be approved by the NHDES wetlands bureau and ARM committee to ensure full aquatic organism passage and stream simulation. Monitoring plan shall measure how the increase in culvert capacity impacts the upstream wetlands, second by Councilor Carbonneau. Motion passed unanimously.***
6. Mathes Family Limited Partnership (Lamprey River)
  - ***Councilor Lievens made a motion to fully fund Southeast Land Trust \$158,000 to protect by fee ownership the 129.6 acre Mathes Family limited Partnership parcel in Epping, second by Councilor Mellor. Motion passed unanimously.***
7. Mullen Tract (Brown Brook Conservation Initiative)
  - ***Councilor Lievens made a motion to provide partial funds of \$80,000 to Southeast Land Trust to protect by fee acquisition the 33.8 acre Mullen Tract in Fremont, second by Councilor Henderson. Motion passed unanimously.***

**Merrimack River Service Area (Available funding: \$1,792,000):**

1. Brox Community Lands Conservation Easement
  - ***Councilor Lievens made a motion to fully fund the Town of Milford \$20,000 to protect by conservation easement 75 acres of the Brox Community Lands with the requirements that the applicant provides the draft conservation easement deed agreed upon by the Town, easement***

***holder, NHDES and Corps by December 31, 2019 and provides spatial delineations of the aquatic resources on the property to ensure full mitigation credits are acquired for the headwater streams, vernal pools, and buffers that will be protected, second by Councilor Young. Discussion was held. Motion passed unanimously with Councilor Henderson recused.***

Council took a break at 10:45. Council returned to the meeting at 10:56.

2. Piscataquog South Branch Connectivity Project
  - ***Councilor Lievens made a motion to fully fund Frankestown Land trust \$185,000 to purchase 12 acres and protect by easement an 11.6 acre parcel which is named the Piscataquog South Branch Connectivity Project in Frankestown, second by Councilor Gove. Motion passed unanimously.***
3. Robert French Fee
  - ***Councilor Lievens made a motion to fully fund Piscataquog Land Conservancy \$185,000 to protect by fee acquisition the 205 acre Robert French property in Weare, second by Councilor Henderson. Motion passed unanimously.***
4. Stillhouse Forest
  - ***Councilor Lievens made a motion to fully fund the Society for the Protection of NH Forests \$150,000 to protect by fee acquisition the 215 acre Stillhouse Forest property in Canterbury and Northfield, second by Councilor Mellor. Motion passed unanimously.***

**Merrimack River (CTAP) Service Area (Available funding: \$828,000)**

1. Country Hill Estates Parcel Preservation
  - ***Councilor Lievens made a motion to fully fund the City of Concord \$350,000 to protect the Country Hill Estates Parcel by fee acquisition in Concord with the requirements that the applicant provide spatial delineations of the aquatic resources on the property to ensure full mitigation credits are acquired for the headwater streams, vernal pools, and buffers that will be protected, second by Councilor Mellor. Motion passed unanimously.***
2. Jennings Conservation Easement
  - ***Councilor Lievens made a motion to fully fund the Piscataquog Land Conservancy \$94,000 to protect by conservation easement the 52 acre Jennings Conservation Parcel in Goffstown, second by Councilor Gove. Motion passed unanimously.***
3. Parker Farm's Forest Easement
  - ***Councilor Lievens made a motion to fully fund the Society for the Protection of NH Forests \$375,000 to protect by conservation easement the 87 acre Parker Farm's Forest property in Auburn, second by Councilor Gove. Motion passed unanimously.***

**Lower Connecticut River Service Area (Available funding: \$1,700,000):**

1. Cranberry Bog Culvert replacement & Stream Restoration
  - ***Councilor Lievens made a motion to fully fund the Town of Winchester \$215,488 for the Cranberry Bog stream improvement project with the final design to be approved by the NHDES Wetlands Bureau and ARM committee to ensure full aquatic organism passage and stream simulation following the NH Stream Crossing Guidelines to the fullest extent practicable The proposed design includes a structural approach to substrate retention and requires applicant to work on***

***design with NHFG and Wetlands Bureau, second by Councilor Gove. Motion passed unanimously.***

2. Granite Lake Headwaters

- ***Councilor Lievens made a motion to fully fund the Harris Center for Conservation education \$200,000 to protect by fee acquisition the 515 acre Granite Lake Headwaters parcel in Stoddard with the request that the applicant consider pursuing future grants for restoration of the deficient stream crossings on the property to enhance water quality of the headwater streams and aquatic organism passage, second by Councilor Mellor. Motion passed unanimously.***

3. North Branch Sugar River Land Conservation Project – Ruger Property Acquisition

- ***Councilor Lievens made a motion to fully fund NH Fish and Game Department \$475,000 to protect by fee acquisition the 3,181 acres of land known as the Ruger lands in Croydon, Grantham and Newport, second by Councilor Mellor. Motion passed unanimously with Councilor Henderson recused.***

4. Thompson Brook Restoration

- ***Councilor Lievens made a motion to fully fund Cheshire County Conservation District \$74,195 for the Thompson Brook stream improvement project with the final design to be approved by the NHDES Wetlands Bureau, NHFG and ARM committee to ensure that the design is appropriate with the degree of culvert perch and given the instability in the system. Design should include instream structures that will be able to handle the stream reach conditions, second by Councilor Gove. Motion passed unanimously with Councilor Mellor abstaining.***

5. Tunis District – Headwater & Wetland'

- ***Councilor Lievens made a motion to fully fund Upper Valley Land Trust \$299,644.75 to protect by fee ownership 337 acres of the Tunis District – Headwater & wetland Protection Project in Hanover with the requirement that the applicant provides spatial delineations of the aquatic resources on the property to ensure full mitigation credits are acquired for the headwater streams, vernal pools, and buffers that will be protected, second by Councilor Carbonneau. Motion passed unanimously.***

**Lower Connecticut and Contoocook River Service Areaa (Available funding: LC \$1,700,000 and CR \$40):**

1. Bearce

- ***Councilor Lievens made a motion to fully fund the Monadnock Conservancy \$141,960 from the Lower Connecticut Service Area and \$40 from the Contoocook River Service Area to protect by conservation easement the 200 acre Bearce property in Jaffrey and Rindge, second by Councilor Gove. Motion passed unanimously with Councilor Mellor abstaining.***

**Middle Connecticut River Service Area (Available funding \$115,500):**

1. Jean Chamberlin North

- ***Councilor Lievens made a motion to fully fund the Ammonoosuc Conservation trust \$35,000 to protect by conservation easement 10 acre Jean Chamberlin North property in Bath. In addition, funds shall not be used toward the buffer plantings and required historical review, but can be used toward the conservation easement purchase, second by Councilor Gove. Motion passed unanimously.***

2. Jean Chamberlin South

- ***Councilor Lievens made a motion to fully fund the Ammonoosuc Conservation Trust \$30,200 to protect by conservation easement the 32.5 acre Jean Chamberlin South property in Haverhill. Funds to be issued for buffer planting as enhancement, second by Councilor Gove. Motion passed unanimously.***

3. Neil Chamberlin Conservation Area

- ***Councilor Lievens made a motion to fully fund Ammonoosuc Conservation trust \$50,300 to protect by conservation easement the Neil Chamberlin Conservation Area in Bath, second by Councilor Mellor. Motion passed unanimously.***

Discussion and questions about the process were discussed after the recommendation process.

Council took a break at 12:15. Council returned to the meeting at 12:22.

b. Council's Proposed Legislative Service Requests (LSRs)

LSR Issues:

1. The Council needs to have a legislator sponsor our bills. Chairman Kimball will need to check with the Commissioner regarding LSRs. He is to meet with the Commissioner to talk about this.

2. LSRs are to be proposed in December. The Council gets trapped with short time to coordinate with only one meeting in December. With it being necessary that the Commissioner is to meet with the Council, Collis Adams doesn't count. Possibly add "or designee" as representative of Commissioner

Also brought up was a change regarding old docks and their pictures to prove or disprove existence.

1. HB1104 – Certified Application Professional review
2. 'Shall/may' change  
Modify the requirement for determining all appeal grounds at 30 day filing.  
Remands to the Commissioner, not reviewed by the same staff they were dealing with originally.
3. Adjust time for issuing council decisions
4. Eliminate duplicate annual reports  
Wetlands Act – methodology change for grandfathered status  
Shoreland Act – clarify building height

The Chairman then reviewed the next process/steps to be taken.

**5. Old Business**

On October 25th the Council received a message from the Auditor on the proposed rules. We concur with their findings. The Chairman will send out the response and add the Attorney General's conclusion regarding the quorum. SOP discussed. There will be a preliminary report; the Council will then have an exit interview with auditor, and then a meeting before the LBA.

In 2007 Wetland audit the Department provided a cover letter and we may do one later.

**6. Next Meeting –**

Planning and Training in December.

Come ready to talk about how we operate, questions, communication, etc

The next meeting is December 11, 2018 at 9 a.m. with the Council attorney in attendance.

7. **Adjournment**

- ***Councilor Mellor made a motion to adjourn, second by Councilor Lievens. Motion passed unanimously.***

Meeting adjourned at 12:46 p.m.